

1977

## c 92 The City of London Act, 1977

Ontario

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## CHAPTER 92

**An Act respecting the City of London***Assented to December 16th, 1977*

**W**HEREAS The Corporation of the City of London Preamble  
 hereby applies for special legislation in respect of the  
 matters hereinafter set forth; and whereas it is expedient  
 to grant the application;

Therefore, Her Majesty, by and with the advice and  
 consent of the Legislative Assembly of the Province of  
 Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Corporation" means The Corporation of the City  
of London;
- (b) "council" means the council of the Corporation;
- (c) "Municipal Board" means the Ontario Municipal  
Board.

**2.** The affirmative vote of a majority of the members of Majority  
of  
council  
 the council present at a meeting thereof shall be deemed to  
 be a two-thirds vote for the purposes of section 208 of R.S.O. 1970,  
c. 284  
*The Municipal Act*.

**3.** Subsection 2 of section 1 of *The City of London Act*, 1973, c. 194,  
s. 1 (2),  
re-enacted  
 1973, being chapter 194, is repealed and the following  
 substituted therefor:

(2) When the head of the council is absent from the Powers  
 municipality or absent through illness or his office is  
 vacant, the deputy mayor shall act in his place and shall  
 have and may exercise all the rights, powers and authority  
 of the head of council including, where no appointment  
 is made under section 213 of *The Municipal Act*, acting  
 in place of the head of the council on any board, com-  
 mission or other body of which the head of the council  
 is a member *ex officio* under any general or special Act,  
 except the board of commissioners of police.

Local  
municipal  
debentures  
authorized  
R.S.O. 1970,  
c. 284

4.—(1) Notwithstanding any provisions of *The Municipal Act* to the contrary, the council may pass by-laws without the assent of the electors for issuing debentures, called "local municipal debentures", the total amount of which shall not exceed 25 per cent of the debentures authorized in each year by the Municipal Board, in such multiples of \$500 and at such times as in the opinion of the council it would be of advantage to so issue them, for any fixed term of years not exceeding five at the expiration of which the principal shall be repaid, but redeemable prior to maturity at the option of the Corporation in the event of the death of any owner thereof, with interest payable annually or semi-annually.

Idem

(2) Every by-law for issuing local municipal debentures shall clearly specify, by recital or otherwise, in respect of what authorizations or portions thereof by the Municipal Board the debentures are being issued.

Idem

(3) A by-law for issuing local municipal debentures need not impose any rate to provide for the payment of debentures issued under it or the interest thereon, but the by-law shall provide that the interest and any amounts of principal payable in each year during the currency of the debentures issued under it shall be provided for in the estimates of each such year.

Effective  
date of  
by-law

(4) Unless the by-law names a later day when it is to take effect, it shall take effect on the day of its passing.

Approval of  
authori-  
zations by  
O.M.B.

(5) A by-law for the issuing of local municipal debentures may be passed before the authorizations by the Municipal Board in respect of which the debentures are being issued have been obtained if such by-law contains a provision to the effect that the by-law shall not take effect until such authorizations have been obtained.

Unsold  
debentures

(6) If any local municipal debentures remain unsold or undisposed of, the council from time to time may set or vary the rate or rates of interest payable on such debentures when sold or disposed of.

Date of  
debenture

(7) Every local municipal debenture shall be dated the first day of the month next following the month in which the debenture is sold or disposed of.

Time for  
issue

(8) The first of such debentures shall be issued within two years and all of them within five years, after the passing of the by-law.

(9) Any local municipal debentures may be registered as to both principal and interest with provision for payment of interest by cheque, or by deposit to the credit of an account in any chartered bank, trust company, savings office or credit union. Registration

(10) A local municipal debenture shall be in Form 1. Form

(11) No local municipal debenture shall be hypothecated by the council to raise money by way of a loan on it. No hypothecation

(12) Where part only of a sum of money provided for by by-law has been raised, the council may repeal the by-law as to the whole or any part of the residue, but the sale or disposition of debentures issued under it are valid and binding according to the terms thereof, and the council may in respect of the residue by the same or another by-law without the assent of the electors provide for issuing debentures payable by a different mode. Repeal

(13) The financial statements of the Corporation in each year during the currency of any local municipal debentures shall include or be accompanied by a statement verified by a statutory declaration in Form 2 of the treasurer of the Corporation of the sums sufficient to pay the interest and any amounts of principal payable in that and subsequent years, for certification and any report thereon by the auditor. Financial statements

(14) The forms hereto are prescribed for use with such variations, not affecting the substance or calculated to mislead, as circumstances require. Forms

(15) Paragraphs 1 and 2 of subsection 13 of section 288 of *The Municipal Act* apply with all necessary modifications to any by-law passed under this section. Application of R.S.O. 1970, c. 284, s. 288

(16) Subsections 2 and 3 of section 326 of *The Municipal Act* apply with all necessary modifications to any debenture issued pursuant to a by-law passed under this section. Idem

(17) This section is repealed on the 31st day of December, 1982. Repeal

5. In addition to any of the powers conferred on the council of any municipality by any general or special Act, the council, in exercising by by-law any of its powers to license, regulate, govern or prohibit, may provide in any such by-law that the court, wherein the information is first laid, and any court of competent jurisdiction thereafter, Restraining orders



may issue an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

Local  
improve-  
ments

6. The council may by by-law provide that the Corporation shall, and the Corporation is hereby empowered to, assume the owners' portion of the cost of the following works that otherwise would be chargeable against lands for which no private drain connection is or has been constructed as part of the works:

1. Traction Creek Area Lateral Storm Sewers - Phase III (By-law ST.S.-105-31).
2. Wortley Road Trunk Storm Sewers - Phase I (By-law ST.S.-106-32).
3. Manor Park Area Lateral Storm Sewers - Phase II (By-law ST.S.-107-328).
4. McNay Drainage Area Lateral Storm Sewers - Phase V (By-law ST.S.-108-329).
5. Wortley Road Trunk Storm Sewers - Phase II (By-law ST.S.-109-330).

Consolida-  
tion or  
subdivision  
of by-laws

7. (1) The council may pass by-laws consolidating or subdividing existing by-laws and such consolidation or subdividing of by-laws may include within them the provisions of any by-law previously passed by the council under section 35 of *The Planning Act* and approved by the Municipal Board.

R.S.O. 1970.  
c. 349

Effective  
date

(2) Every provision of a consolidating or subdividing by-law shall be deemed to have come into force on the day the original by-law came into force and to have been approved by the Municipal Board in all respects as though the approval had been obtained in respect of that provision in the consolidating or subdividing by-law.

London  
Transit  
Commission

8.—(1) In this section, "Commission" means The London Transit Commission.

Commission  
continued  
as body  
corporate

(2) The London Transportation Commission established by By-law L.T.C.-1-158, passed by the council on the 19th day of May, 1952, is continued as a body corporate under the name of The London Transit Commission with the powers, rights, authorities and privileges vested in it by any general or special Act or otherwise except as provided by this section.

(3) The members of the Commission holding office on the day this subsection comes into force shall hold office until the 31st day of December, 1977. Continuation of present members

(4) On and after the 1st day of January, 1978, the Commission shall be appointed by the council and shall consist of, Composition of the Commission

(a) two members of the council who shall hold office during the term of the council; and

(b) three residents of the municipality who shall hold office for three years, provided that on the first appointment the council from among such residents shall designate one who shall hold office until the 31st day of December, 1978, one of whom shall hold office until the 31st day of December, 1979, and one of whom shall hold office until the 31st day of December, 1980, so that one of such residents shall retire each year.

(5) Members shall be eligible for reappointment.

Reappointment

(6) The Commission is the agent of the Corporation on whose behalf the Commission shall exercise the operation, alteration, repair, control and management of the local transportation system of the municipality. Commission is agent of the Corporation

(7) The Commission and the council shall consult regularly on local transportation system policy and on the general administration and affairs of the Commission in relation to general municipal policy and the administration and affairs of the Corporation. Consultation

(8) If, notwithstanding the consultations provided for in subsection 7, there shall emerge a difference of opinion between the Commission and the council concerning the course of policy to be followed, the council may by resolution give to the Commission a directive concerning the local transportation system policy of the Commission in specific terms and applicable for a specified period, and the Commission shall comply with such directive. Resolution of conflicts

(9) The Commission shall, in each year on or before such time as the council may prescribe, prepare in consultation with the administrative departments of the Corporation and submit to the council for its consideration and approval an estimate of all sums required during the year for the purposes of the Commission. Estimates



Annual  
report

(10) The Commission shall, in each year on or before such time as the council may prescribe, make a report to the council upon the affairs of the Commission and the local transportation system of the municipality.

1931, c. 107,  
s. 9,  
re-enacted

9. Section 9 of *The City of London Act, 1931*, being chapter 107, as re-enacted by the Statutes of Ontario, 1956, chapter 108, section 7, is repealed and the following substituted therefor:

Municipal  
golf  
courses

9. The Public Utilities Commission of the City of London may from time to time with the consent of the council of the Corporation acquire by purchase, lease or otherwise such land or lands within the City and within ten miles of the City as the Commission may deem necessary or expedient, and may improve and develop the same for use as a municipal golf course or municipal golf courses, and may maintain, manage, operate and control the same from time to time as a municipal golf course or courses.

Penalties  
respecting  
parks  
R.S.O. 1970,  
c. 384

10. The Public Utilities Commission of the City of London may pass by-laws providing that every person who contravenes any by-law of the Commission passed under *The Public Parks Act* is guilty of an offence and on summary conviction is liable to a fine of not less than \$20 and not more than \$1,000, exclusive of costs, or to imprisonment for a term of not more than six months, or to both, and is liable to an action at the suit of the Commission to make good any damages caused by him, and such by-laws may be enforced and the penalties thereunder recovered in a like manner as by-laws of municipal councils and the penalties thereunder may be enforced and recovered, and every fine so imposed shall belong to the Commission.

Certain lands  
vested in The  
Consortium  
Group  
Limited

11. The lands and premises in the City of London, formerly in the Township of Westminster, in the County of Middlesex, composed of that part of Lot 21 in the Second Concession of the Township designated as Part 1 on a reference plan deposited in the Land Registry Office for the Registry Division of Middlesex East (No. 33) as Plan 33R-2344 are declared to be and to have been at all times since the 28th day of September, 1976, vested in The Consortium Group Limited in fee simple free and clear from all rights, trusts, titles, interests, limitations, restrictions or covenants except the reservations, limitations, provisos and conditions expressed in the original grant from the Crown.

Debentures

12.—(1) The council is hereby authorized to pass a by-law, without obtaining the approval of the Municipal Board, authorizing the borrowing of a sum not exceeding \$2,123,000

upon debentures of the Corporation, payable in not more than twenty years, for the purpose of paying part of the cost of construction of the Talbot Square Underground Parking Garage.

(2) Sections 55, 56, 57 and 58 of *The Ontario Municipal Board Act* apply in respect of a by-law passed under subsection 1 and to any debentures to be issued thereunder. Idem  
R.S.O. 1970,  
c. 323

(3) For the purpose of every Act, the Municipal Board shall be deemed to have issued an order under section 64 of *The Ontario Municipal Board Act*, not subject to section 42 or to petition or appeal under section 94 or 95 of the said Act, authorizing the construction referred to in subsection 1 and authorizing the Corporation to issue debentures thereunder. Deemed  
order

(4) The Corporation may exchange debentures issued under subsection 1 with the holders, or the trustees of the holders, of the Series A First Mortgage Bonds dated as of the 16th day of December, 1974, in the principal amount of \$2,123,000 of Covent Garden Building Incorporated, guaranteed by the Corporation under the authority of an order of the Municipal Board dated the 5th day of March, 1974, (File E 74117) and upon exchange, the proceeds under the mortgage bonds shall be deemed to be proceeds received by a municipality as defined in *The Municipal Affairs Act* for the purposes of subsection 4 of section 2 of *The Mechanics' Lien Act*. Exchange of  
debentures  
  
R.S.O. 1970,  
cc. 118, 267

**13.** Section 5 of *The City of London Act, 1974*, being chapter 148, is amended by adding thereto the following subsection: 1974, c. 148,  
s. 5,  
amended

(11a) The Corporation shall have no obligation to subsidize operating costs of The London Art Gallery Board beyond any annual grants which may be made pursuant to subsection 11. Idem

**14.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**15.** The short title of this Act is *The City of London Act, 1977*. Short title



## FORM 1

## THE CORPORATION OF THE CITY OF LONDON

## LOCAL MUNICIPAL DEBENTURE

Registered owner	
Debenture number	
Dated	the 1st day of
Principal sum	\$
Maturing	the 1st day of
Annual interest rate	
Interest payment plan	
Interest payment dates	the 1st day of

The Corporation of the City of London (the Corporation) for value received will pay to the registered owner named herein or registered assigns and named in the records of the Corporation the principal sum in lawful money of Canada upon presentation and surrender of this debenture at *(place of payment)* together with interest thereon in like money at the interest rate stated herein. Interest will be paid as it becomes due on the interest payment dates each year until maturity either by cheque or by deposit to the credit of an account in any chartered bank, trust company, savings office or credit union, depending upon the interest payment plan stated herein. This debenture is redeemable prior to maturity at the option of the Corporation in the event of the death of the registered owner or registered assigns, but otherwise is redeemable only at maturity. The Corporation will be liable only for the amount of principal and interest as set out herein.

IN WITNESS WHEREOF the Corporation has caused this debenture to be signed by the Mayor and City Treasurer by facsimiles of their signatures and by an authorized officer and has caused its corporate seal or facsimile thereof to be impressed or imprinted hereon as of the date shown above.

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Mayor

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City Treasurer

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Authorized Officer

## FORM 2

## STATUTORY DECLARATION

I, ....., of the City of London, in the County of Middlesex, Treasurer, make oath and say as follows:

1. I am the Treasurer of The Corporation of the City of London and as such have knowledge of the matters herein deposed to.

2. Annexed and marked Schedule "A" hereto are particulars of all local municipal debentures issued by the Corporation during the year ended the 31st day of December, 19..., including the authorizations or portions thereof by the Ontario Municipal Board in respect of which such debentures were issued, and the interest payable during the year on such debentures.

3. The total amount of local municipal debentures referred to in paragraph 2 hereof did not exceed 25 per cent of the debentures authorized by the Ontario Municipal Board.

4. Annexed and marked Schedule "B" hereto are particulars of all local municipal debentures redeemed by the Corporation during the year referred to in paragraph 2 hereof, including the interest and principal paid therefor.

5. Annexed and marked Schedule "C" hereto are particulars of all local municipal debentures outstanding at the end of the year referred to in paragraph 2 hereof including the amount sufficient to pay the interest when due and the principal at maturity.

SWORN before me at the City

of

in the

of

this

day of

19

A Commissioner, etc.

